

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.8
(ID # 23279)

MEETING DATE:

Tuesday, April 02, 2024

FROM : FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT: Mecca Regional Sports Park - Approval of Change Order No. 5 and Notice of Completion for Three Peaks Corporation; District 4. [\$310,088 - 86.82% Statewide Park Development and Community Revitalization Grant Funds, 10.94% Riverside County Transportation Purchase of Right of Way Funds, 2.24% Community Development Block Grant Funds (Previously approved budget)] (Clerk to Record Notice of Completion) (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and Approve the attached Change Order No. 5 for Three Peaks Corporation (Three Peaks) of Calimesa, California, in the amount of \$54,006 for the Mecca Regional Sports Park (Mecca Sports Park) Project, located at 91-403 66th Avenue, in Mecca, California to account for additional costs and work which were required to expedite and finalize the Project; find that the additional work was integral to the Project and that competitive bidding would not produce an advantage and is impractical for the work;
2. Authorize the Chairman of the Board (Chairman) to execute Change Order No. 5 for Three Peaks on behalf of the County;
3. Accept the Mecca Sports Park Project, constructed by Three Peaks as complete and authorize the Chairman to execute the Notice of Completion;
4. Direct the Clerk of the Board to record the attached Notice of Completion; and
5. Authorize the release of undisputed retained funds in the amount of \$256,082 to Three Peaks in accordance with the contract terms and applicable law, per the General Conditions of the contract.

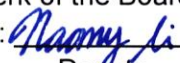
ACTION:4/5 Vote Required, Policy, CIP


Rose Salgado, Director of Facilities Management 3/19/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 2, 2024
xc: FM, Recorder

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 310,088	\$ 0	\$ 310,088	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Statewide Park Development and Community Revitalization Grant Funds - 86.82%, Riverside County Transportation Purchase of Right of Way Funds-10.94%, Community Development Block Grant Funds-2.24%. (Previously approved budget)			Budget Adjustment: No	
			For Fiscal Year: 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On January 12, 2021, Item 3.11, the Board of Supervisors (Board) approved the project budget in the amount of \$6,700,660 for the Mecca Sports Park Project located at 91-403 66th Avenue in Mecca, California, 92254. The Project will provide sport fields, sand volleyball courts, picnic areas and outdoor exercise stations.

On March 22, 2022, Item 3.13, the Board approved the Construction Contract between the County of Riverside (County) and Three Peaks in the amount of \$4,629,000 for the Mecca Sports Park Project. During construction, a total of four change orders were approved for Three Peaks in the cumulative amount of \$438,641, increasing the contract value from \$4,629,000 to \$5,067,641. The four change orders did not exceed the single change order dollar authority nor the 10% contingency allowance, therefore no Board action was required. Change Order No. 5 was requested to extend the fencing rental and security services and to reinstall fencing at the requested time to accommodate activities that had been scheduled. Bidding of this work would have been impractical to perform and complete the Project on schedule. Change Order No. 5 will compensate Three Peaks in the amount of \$54,006, increasing the contract value from \$5,067,641 to \$5,121,647 which exceeds the 10% contingency allowance; therefore, Facilities Management is seeking Board approval.

Three Peaks completed the work on September 30, 2023, and the Project has been inspected and found to comply with the contract and safety requirements. This Board action will release the undisputed contract retention funds in the amount of \$256,082 to Three Peaks after the Notice of Completion has been recorded and the 35-day lien period has expired from the start of the recorded date, per the contract terms and applicable law.

Impact on Residents and Businesses

The Mecca Regional Sports Park will provide a community gathering space in the town of Mecca and will transform a vacant lot into an active, lively and green place. The Park will

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provide organized sports leagues a local space to compete. In addition to sports fields, the sand volleyball courts, the planned open green space, picnic areas and outdoor exercise stations will provide residents an amenity for families, seniors and community groups for a variety of activities.

Additional Fiscal Information

All costs associated with this Board action were previously approved on January 12, 2021 (Item 3.11), in the amount of \$6,700,600 and is funded as follows: Statewide Park Development and Community Revitalization Grant Funds-86.82%, Riverside County Transportation Purchase of Right of Way Funds - 10.94%, and Community Development Block Grant Funds-2.24%. Change Order No. 5 in the amount of \$54,006 and the retention amount of \$256,082 for Three Peaks are accounted for within the previously approved budget, therefore no budget adjustment is required. Monies will be expended in FY 23/24.

Attachments:

- Change Order No. 5 for Three Peaks Corporation
- Notice of Completion for Three Peaks Corporation

RS:VB:RM:SC:AR:TV FM08100009946 MT Item #23279
G:\Project Management Office\FORM 11'S\Form 11's_In Process\23279_D4 - 009946 - Mecca Sports Park-CO No. 5 and NOC for
Three Peaks Corp_013024.doc


Veronica Santillan, Principal Management Analyst 3/25/2024


Aaron Gettis, Chief of Deputy County Counsel 3/21/2024

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

KIMBERLY RECTOR, CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

2024-0096870

04/03/2024 10:36 AM Fee: \$ 0.00

Page 1 of 2

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



0080

THIS SPACE FOR RECORDERS USE ONLY

NOTICE OF COMPLETION

(California Civil Code §§ 8100-8118, 9200-9208)

To be recorded with County Recorder within 15 days after completion.

Notice is hereby given by the undersigned owner, a public entity of the State of California, that a public work of improvement has been completed, as follows:

Project title or description of work: Mecca Regional Sports Park (FM08100009946)

Date of Completion: Date Hereof

Nature of owner: Public Entity

Interest or estate of owner: In Fee


Address of owner: Clerk of the Board of Supervisors, County Administrative Center,
4080 Lemon St., Riverside, CA 92501

Name/address of direct contractor: Three Peaks Corporation, P.O. Box 101, Calimesa CA92320

Street or legal description of site: 91-403 66th Avenue, Mecca, CA 92254

Dated: April 02, 2024

Owner: County of Riverside
(Name of Public Entity)

By: 
Chairman, Board of Supervisors
Chuck Washington


STATE OF CALIFORNIA)

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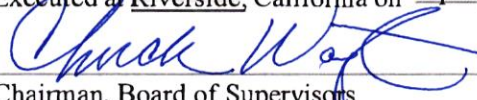
COUNTY OF RIVERSIDE)

I am the Chairman of the governing board of the County of Riverside, the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read this notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

ATTEST: Kimberly Rector, Clerk

By: 
Deputy

Executed at Riverside, California on April 02, 2024


Chairman, Board of Supervisors
Chuck Washington

FORM APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 04/02/2024

Signature: *Naomy Li*

Print Name: Naomy Sicra, Clerk of the Board Assistant

COUNTY OF RIVERSIDE FACILITIES MANAGEMENT

CHANGE ORDER NO. 5

Date: 2/13/2024

Project Name: Mecca Sports Park

To Contractor:

PeopleSoft Project No: FM 8100009946

Three Peaks Corporation
P.O. Box 101
Calimesa, CA 92320

Distribution:

- (1) Project Manager (4) Construction Manager
- (2) Contractor (5) Inspector
- (3) Fiscal (6) Architect/Engineer

You are directed to make the following changes. Changes shall include labor, material and equipment; each item to include all charges or indirect arising out of this work:

DESCRIPTION OF CHANGE	REASON FOR CHANGE ORDER	COR#	TYPE	AMOUNT
1) Previous extension of fence rental to Sept. 30.	Owner Requested	26	ADD	\$6,900.00
2) Previous extension of security services to Sept. 30	Owner Requested	27	ADD	\$17,550.00
3) Leave fence and remove on the evening of Oct. 27	Owner Requested	28	ADD	\$9,318.00
4) Extend security services to the morning of Oct. 27	Owner Requested	29	ADD	\$10,920.00
5) Reinstall fencing on evening of 11/2 and remove on 12/2	Owner Requested	28	ADD	\$9,318.00
6)				
7)				
8)				
9)				
10)				
TOTAL				\$54,006.00

The specifications, where pertinent, shall apply to these changes.

This Change Order provides for a time extension of

	<u>0</u>	calendar days
Original Contract Duration (calendar days):	<u>256</u>	
Prior Authorized Time Extension (calendar days):	<u>202</u>	
Revised Construction Duration (calendar days):	<u>458</u>	
Original Contract Completion Date:	<u>1/18/2023</u>	
Revised Contract Completion Date:	<u>8/15/2023</u>	

NOTE: This change order is not effective until ALL signatures below are obtained, and if applicable, signature authority approval by Form 11 as indicated per Change Order Guidelines.

The undersigned contractor has given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agrees, if this change order is approved, that he will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment for all costs related in any way thereto the prices shown above. Contractor expressly waives any contract right to pursue any further claim related to this change order work.

1) Erik Simmons
Digitally signed by Erik Simmons
 DN: c=US, E=erik@threepeakscorp.com, O=Three
 Peaks Corp., CN=Erik Simmons
 Date: 2024.03.21 16:32:49 -07'00
3/12/24
 Contractor (Signature) Date

Erik Simmons, President
 Contractor's Printed Name

2) Chuck Washington
(Signature)
4/10/2024
 Chair of the Board Date
CHUCK WASHINGTON

Chair of the Board
 Printed Name

3) _____
 Architect (Signature) Date

Tom Howell
Digitally signed by Tom Howell
 Date: 2024.03.13 05:46:12 -07'00
Tom Howell, Holt Architecture

4) Anna Rodriguez
(Signature)
3/12/24
 Project Manager (Signature) Date

Anna Rodriguez, Riverside County PMO
 Project Manager's Printed Name

Original Contract	\$	<u>4,629,000.00</u>
Prior Authorized <input checked="" type="checkbox"/> ADD <input type="checkbox"/> DEDUCT	\$	<u>438,641.27</u>
Total Contract Prior to this Change	\$	<u>5,067,641.27</u>
Authorized Changes on this Change Order:	\$	<u>54,006.00</u>
Amount of Contract Authorized Including this Change Order	\$	<u>5,121,647.27</u>

Pursuant to: Board Policy B-11
 M.O. and Date Item 3.13 on 3/22/22

FORM APPROVED COUNTY COUNSEL
 BY: Lisa Sanchez 4/03/2024
(Signature) DATE

ATTEST: Kimberly A. Rector, Clerk
FM Change Order Form - Revised 03-05-2020

By Naomy Li
 DEPUTY

APR 02 2024 3.8

**MINUTES OF SPECIAL MEETING OF SHAREHOLDERS
OF
THREE PEAKS CORP.**

January 15, 2010
Redlands, Ca

The special meeting of the Shareholders of Three Peaks Corp. (the "Corporation") was held on the date and time and at the place set forth in the written waiver of notice signed by the shareholders, fixing such time and place, and prefixed to the minutes of this meeting.

The meeting was called to order by Erik Simmons, the President of the Corporation. There were present at the meeting:


Erik Simmons

being all the Shareholders of the Corporation.

Upon motion duly made, seconded and unanimously carried, it was Resolved, that the following officers of Three Peaks Corp. be and they hereby are designated, empowered and authorized to sign and execute pre-qualifications, bids, construction contracts, powers of attorney and other miscellaneous legal documents that require such authority in the normal course of business:

Erik Simmons President, Secretary, Treasurer

There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.


Secretary

WAIVER OF NOTICE OF MEETING

OF THE BOARD OF DIRECTORS OF

THREE PEAKS CORP.

I, the undersigned, being all of the directors of Three Peaks Corp., hereby waive notice of and consent to the holding of a meeting of the Board of Directors, to be held at the principal office of the corporation on January 15, 2010 at **Redlands, California**, and agree that any lawful business may be transacted at the meeting for the purpose of:

Signed:


Secretary

1/15/10
Date